

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NORMAN GERALD DANIELS, III,

Petitioner,

No. CIV S-04-2337 FCD JFM P

vs.

DERRAL ADAMS,

Respondent.

ORDER

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Petitioner is a state prisoner proceeding pro se and in forma pauperis with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By order filed September 13, 2005, petitioner was granted a period of thirty days to file either a motion to stay these proceedings pending exhaustion of state remedies or a request to proceed forthwith on the two exhausted claims contained in his original petition. The thirty day period has passed and petitioner has not responded in any way to the court's order.

Good cause appearing, IT IS HEREBY ORDERED that:

1. Respondent is directed to file an answer to petitioner's two exhausted claims within forty-five days from the date of this order. See Rule 4, Rules Governing Section 2254

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Cases. Respondent shall include with the answer any and all transcripts or other documents relevant to the determination of the issues presented in the two exhausted claims. Rule 5, Rules Governing Section 2254 Cases; and

2. Petitioner's traverse, if any, is due on or before thirty days from the date respondent's answer is filed.

DATED: October 25, 2005.


UNITED STATES MAGISTRATE JUDGE

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